

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0275.01 Brita Darling

SENATE BILL 09-068

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

McCann,

Senate Committees

Judiciary
Appropriations

House Committees

State, Veterans, & Military Affairs
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FUNDING TO SUPPORT DOMESTIC ABUSE SERVICES, AND**
102 **MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Increases the fee for a marriage license, as well as the filing fee for a petition and response fee in a dissolution of marriage action, to fund domestic abuse services for married, separated, or divorced persons or their families.

Specifies that a percentage of the moneys collected from the fee increases shall be used for a specified time to reimburse domestic abuse programs for services to members of the military and veterans or their

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 25, 2009

SENATE
Amended 2nd Reading
February 24, 2009

families.

Removes the limit on the reimbursement rate.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 26-7.5-101, Colorado Revised Statutes, is amended
3 to read:

4 **26-7.5-101. Legislative declaration.** The general assembly
5 hereby finds that a significant number of homicides, aggravated assaults,
6 ~~and~~ assaults and batteries, AND OTHER TYPES OF ABUSE AND COERCIVE
7 CONTROL occur within the home; ~~between adult family members~~; that the
8 reported incidence of domestic abuse represents only a portion of the total
9 number of incidents of domestic abuse; that a large percentage of police
10 officer deaths in the line of duty result from police intervention in
11 **domestic abuse situations; and that domestic abuse is a complex problem**
12 affecting families from all social and economic backgrounds. It is the
13 purpose of this article to encourage the development of domestic abuse
14 programs by units of local government and nongovernmental agencies.

15 **SECTION 2.** 26-7.5-105 (1), Colorado Revised Statutes, is
16 amended to read:

17 **26-7.5-105. Funding of domestic abuse programs.** (1) (a) Any
18 nongovernmental agency or unit of local government operating a
19 domestic abuse program pursuant to this article shall, subject to available
20 appropriations, be reimbursed by the state department at a rate to be set
21 by the general assembly in the annual appropriation bill. ~~which amount~~
22 ~~shall not exceed twenty-five dollars per day for each person who is~~
23 ~~participating in a domestic abuse program, but in no event shall the state~~
24 ~~reimbursements or disbursements exceed double the cash revenue~~
25 ~~provided by local contributions or sources other than state funds.~~ Not less

1 than seventy-five percent of all contract funding under this article shall
2 be allocated to nongovernmental agencies.

3 (b) MONEYS GENERATED FROM FEES COLLECTED PURSUANT TO
4 SECTIONS 13-32-101 (1) (a) AND (1) (b) AND 14-2-106 (1) (a), C.R.S.,
5 SHALL BE USED TO REIMBURSE DOMESTIC ABUSE PROGRAMS THAT PROVIDE
6 SERVICES AS PROVIDED IN SECTION 26-7.5-103 TO MARRIED, SEPARATED,
7 OR DIVORCED PERSONS OR THEIR FAMILIES.

8

9 **SECTION 3.** 13-32-101 (1) (a), (1) (b), (5) (a) (VII), (5) (a)
10 (VIII), and (5) (b), Colorado Revised Statutes, are amended, and the said
11 13-32-101 (5) (a) is further amended BY THE ADDITION OF THE
12 FOLLOWING NEW SUBPARAGRAPHS, to read:

13 **13-32-101. Docket fees in civil actions - judicial stabilization**
14 **cash fund - support registry fund created - repeal.** (1) At the time of
15 first appearance in all civil actions and special proceedings in all courts
16 of record, except in the supreme court and the court of appeals, and
17 except in the probate proceedings in the district court or probate court of
18 the city and county of Denver, and except as provided in subsection (3)
19 of this section and in sections 13-32-103 and 13-32-104, there shall be
20 paid in advance the total docket fees, as follows:

21 (a) On and after July 1, ~~2008~~ 2009, by the petitioner in a
22 proceeding for dissolution of marriage, legal separation, or declaration of
23 invalidity of marriage and by the petitioner in an action for a declaratory
24 judgment concerning the status of marriage, a fee of two hundred ~~twenty~~
25 THIRTY dollars;

26 (b) On and after July 1, ~~2008~~ 2009, by the respondent in a
27 proceeding for dissolution of marriage, legal separation, or declaration of

1 invalidity of marriage and by the respondent to an action for a declaratory
2 judgment concerning the status of marriage, a fee of one hundred ~~six~~
3 SIXTEEN dollars;

4 (5) (a) Each fee collected pursuant to paragraph (a) of subsection
5 (1) of this section shall be transmitted to the state treasurer and divided
6 as follows:

7 (VII) Three dollars shall be deposited in the vital statistics records
8 cash fund created in section 25-2-121, C.R.S.; and

9 (VIII) Five dollars shall be deposited in the displaced homemaker
10 fund created in section 8-15.5-108, C.R.S.;

11 (IX) FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO
12 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),
13 C.R.S.; AND

14 (X) FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE
15 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

16 (b) Each fee collected pursuant to paragraph (b) of subsection (1)
17 of this section shall be transmitted to the state treasurer and divided as
18 follows:

19 (I) (A) Prior to July 1, 2010, forty-five dollars shall be deposited
20 in the general fund, thirty dollars shall be deposited in the judicial
21 stabilization cash fund created in subsection (6) of this section, five
22 dollars shall be deposited in the court security cash fund established
23 pursuant to section 13-1-204, and twenty-six dollars shall be deposited in
24 the justice center cash fund created in paragraph (a) of subsection (7) of
25 this section, FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO
26 DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1),
27 C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE

1 JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

2 (B) This subparagraph (I) is repealed, effective July 1, 2011.

3 (II) On and after July 1, 2010, seventy-five dollars shall be
4 deposited in the judicial stabilization cash fund created in subsection (6)
5 of this section, five dollars shall be deposited in the court security cash
6 fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars
7 shall be deposited in the justice center cash fund created in paragraph (a)
8 of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN
9 THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION
10 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE
11 FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

12 **SECTION 4.** The introductory portion to 14-2-106 (1) (a),
13 Colorado Revised Statutes, is amended to read:

14 **14-2-106. License to marry.** (1) (a) When a marriage
15 application has been completed and signed by both parties to a
16 prospective marriage and at least one party has appeared before the
17 county clerk and recorder and has paid the marriage license fee of seven
18 dollars, A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY
19 CLERK AND RECORDER TO THE STATE TREASURER AND CREDITED BY THE
20 TREASURER TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND
21 CREATED IN SECTION 39-22-802 (1), C.R.S., and an additional amount
22 established pursuant to section 25-2-121, C.R.S., such amount to be
23 credited to the vital statistics records cash fund pursuant to section
24 25-2-121, C.R.S., the county clerk shall issue a license to marry and a
25 marriage certificate form upon being furnished:

26 **SECTION 5.** 14-4-107, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **14-4-107. Family violence justice fund - creation - grants from**
2 **fund.** (4.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
3 THE STATE COURT ADMINISTRATOR SHALL APPLY THE MONEYS GENERATED
4 FROM FEES COLLECTED PURSUANT TO SECTION 13-32-101 (1) (a) AND (1)
5 (b), C.R.S., TO GRANTS TO QUALIFYING ORGANIZATIONS THAT PROVIDE
6 SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR OR ON
7 BEHALF OF INDIGENT PERSONS OR THEIR FAMILIES WHO ARE MARRIED,
8 SEPARATED, OR DIVORCED.

9 **SECTION 6. Appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 Colorado domestic abuse program fund created in section 39-22-802 (1),
12 Colorado Revised Statutes, not otherwise appropriated, to the department
13 of human services, for allocation to the office of self sufficiency, for the
14 fiscal year beginning July 1, 2009, the sum of eight hundred forty-three
15 thousand four hundred thirty dollars (\$843,430) cash funds and 0.7 FTE,
16 or so much thereof as may be necessary, for the implementation of this
17 act.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated, out of any moneys in the family violence justice fund
20 created in section 14-4-107 (1), Colorado Revised Statutes, not otherwise
21 appropriated, to the judicial department, for allocation to courts
22 administration, administration, family violence grants, for the fiscal year
23 beginning July 1, 2009, the sum of one hundred forty-three thousand four
24 hundred thirty dollars (\$143,430) cash funds, or so much thereof as may
25 be necessary, for the implementation of this act.

26 **SECTION 7. Effective date - applicability.** This act shall take
27 effect July 1, 2009, and shall apply to petitions, responses, and

1 applications filed on or after said date.

2 **SECTION 8. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.